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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/735,499
Filing Date: December 14, 2000
Appellant(s): NIXON ET AL.

Robert D. McCutcheon
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 1/23/06 appealing from the Office action
mailed 5/17/05.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,396,513 B1	HELFMAN ET AL.	5-2002
5,943,055	SYLVAN	8-1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4, 5, 7, 8, 12-20 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U. S. Patent No. 6,396,513 B1 (Helfman et al.), herein referred to as Helfman.

Referring to claims 1 and 14, Helfman discloses a messaging system having the means for message notification using a computer system (column 1, lines 5-7).

Helfman discloses memory means for storing message status information for messages in the messaging system (column 1, lines 10-15). Helfman discloses a means for determining from the stored message status information which messages in the messaging system are new and for which notification has not been cleared (column 1, lines 11-17), wherein merely checking for the presence of new email discloses the means for determining the clear status of an email. Helfman discloses a user interface for providing to a user a list of message notifications associated only with those messages determined to be new messages for which a notification has not been cleared (column 5, lines 32-37), wherein Helfman refers to unread and new messages

and in addition to total messages present, wherein these total messages are nonetheless associated with these new messages. Helfman also discloses that the user is permitted to select a particular notification from the list for manipulation (column 1, lines 23-25).

Referring to claim 2, Helfman discloses selecting a functionality associated with a plurality of options presented to the user (column 3, lines 12-16).

Referring to claim 4, Helfman discloses that the messaging system is a unified messaging system (column 1, lines 5-10).

Referring to claim 5, Helfman discloses a filtering means for enabling the user to select which types of messages are to be included in the list (column 3, lines 12-55).

Referring to claims 7 and 8, Helfman discloses that the manipulation consists of clearing all notifications in the list (column 4, lines 17-21).

Referring to claim 12, Helfman discloses an integrated message notification means may be launched from within a messaging application associated with the messaging system (column 1, lines 66-67 and column 2, lines 1-5).

Referring to claim 13, Helfman discloses that the integrated message notification means is designated as a particular view within a messaging application associated with the messaging system (column 4, lines 12-15).

Referring to claims 15 and 17, Helfman discloses a message notification means for use with one or more messaging systems (column 1, lines 5-7). Helfman also discloses polling means for polling one or more of the messaging systems for new messages (column 1, lines 10-17). Helfman discloses memory means for storing

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message status information for messages in one or more messaging systems (column 1, lines 10-15). Helfman discloses a variable for each message used for determining whether the notification has been cleared, wherein the variable check is made for whether the email has been previously accessed by the user (column 1, lines 15-17). Helfman discloses a user interface for providing to a user a list of message notifications associated only with those messages determined to be new messages for which a notification has not been cleared (column 5, lines 32-37), wherein Helfman refers to unread and new messages and in addition to total messages present, wherein these total messages are nonetheless associated with these new messages. Helfman also discloses that the user is permitted to select a particular notification from the list for manipulation (column 1, lines 23-25).

Referring to claim 16, Helfman discloses a variable that comprises information relating to date, time and sequence of each message (column 1, lines 19-23).

Referring to claim 18, Helfman discloses a message notification means for use with one or more messaging systems (column 1, lines 5-7). Helfman discloses receiving means for receiving indications from one or more messaging systems regarding the presence of new messages (column 1, lines 10-14). Helfman discloses memory means for storing message status information for messages in the messaging system (column 1, lines 10-15). Helfman discloses a means for determining from the stored message status information which messages in the messaging system are new and for which notification has not been cleared (column 1, lines 11-17), wherein merely checking for the presence of new email discloses the means for determining the clear status of an

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email. Helfman discloses a user interface for providing to a user a list of message notifications associated only with those messages determined to be new messages for which a notification has not been cleared (column 5, lines 32-37), wherein Helfman refers to unread and new messages and in addition to total messages present, wherein these total messages are nonetheless associated with these new messages. Helfman also discloses that the user is permitted to select a particular notification from the list for manipulation (column 1, lines 23-25).

Referring to claim 19, Helfman discloses providing message notifications to a user by having access to one or more messaging systems (column 1, lines 5-7). Helfman discloses providing a message notification means for use with one or more messaging systems (column 1, lines 10-16). Helfman discloses receiving means for receiving indications from one or more messaging systems regarding the presence of new messages (column 1, lines 10-14). Helfman discloses memory means for storing message status information for messages in the messaging system (column 1, lines 10-15). Helfman discloses a means for determining from the stored message status information which messages in the messaging system are new and for which notification has not been cleared (column 1, lines 11-17), wherein merely checking for the presence of new email discloses the means for determining the clear status of an email. Helfman discloses a user interface for providing to a user a list of message notifications associated only with those messages determined to be new messages for which a notification has not been cleared (column 5, lines 32-37), wherein Helfman refers to unread and new messages and in addition to total messages present, wherein

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these total messages are nonetheless associated with these new messages. Helfman also discloses that the user is permitted to select a particular notification from the list for manipulation (column 1, lines 23-25).

Referring to claim 20, Helfman discloses means for enabling user to select which types of messages are to be included in the notification list (column 3, lines 10-25).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 6, 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helfman and U. S. Patent No. 5,943,055 (Sylvan), herein referred to as Sylvan.

Referring to claim 3, Helfman does not disclose that the plurality of options is presented through a plurality of buttons. Sylvan discloses selecting a functionality associated with a plurality of options presented to the user, wherein these options are presented visually by a plurality of buttons (reference numbers 214, 216, 218, 220 and 222, Figure 2 and column 6, lines 65-67). It would have been obvious for one skilled in the art, at the time of the invention to learn from Sylvan to represent the input options through buttons. Sets of options are displayed to the users of Helfman and Sylvan's inventions, wherein Sylvan goes further by implementing buttons to represent these options. Use of buttons to represent input options are quiet common and hence would

be an obvious teaching to learn from Sylvan to implement the input of options, wherein additionally these buttons would make these options stand out more to the user.

Referring to claim 6, Helfman does not disclose that different icons are displayed beside different types of messages, wherein in Helfman different types of messages are displayed but not the icons. Sylvan discloses that the user interface is a graphical user interface with different icons that are displayed beside different types of messages on the list (column 6, lines 59-60 and Figure 2). It would have been obvious for one skilled in the art, at the time of the invention to learn from Sylvan to implement icons that would be listed next to the different types of messages. Different types of messages are displayed in both Helfman and Sylvan wherein Sylvan goes further in implementing different icons to be listed next to these different messages. The addition of icons would further make it easier for users to determine the types of messages, wherein the different types of messages in Helfman would be more quickly interpreted by following the teachings of Sylvan for adding new icons that represent the different types of messages.

Referring to claim 9, Helfman discloses functionality that is selected from the group of clear item and clear all (Figure 3A). Helfman does not disclose an option of print and opening a message application that is displayed. Sylvan discloses selecting from the options of print (reference number 520, Figure 5). Sylvan also discloses also allowing the user to select opening a message application by choosing from the applications displayed in the user interface as shown by the cursor on Figure 2. This depicts a means for the user to open and open a messaging application. It would have

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been obvious for one skilled in the art, at the time of the invention to learn from Sylvan to implement the print and open message options. The options disclosed in Sylvan involving printing and opening an application are common options that are widely used in email applications especially those of Helfman and Sylvan. Sylvan has gone further in teaching the print and open options and wherein it would have been obvious to learn from Sylvan and thereby apply these options by one skilled in the art at the time of the invention.

Referring to claim 10, Helfman discloses launching a messaging application associated with the messaging system (column 1, lines 5-10).

Referring to claim 11, Helfman does not disclose replying to the sender of the selected message notification without retrieving the message itself. Sylvan discloses in the explanation for the "Respond Voice" button of Figure 2, how the user replies to the sender of the selected message notification without retrieving the actual message itself but by only relying on selecting the message from the list displayed to respond to the voice mail (column 6, line 67 and column 7, lines 1-2). It would have been obvious for one skilled in the art at the time of the invention to learn from Sylvan to reply to the sender of the selected message notification without retrieving the message itself.

Helfman has both a phone system and email system that allows for the user to respond back to the sender wherein Helfman goes further in discussion of the downloading of messages that are only necessary at a certain point, thereby showing motivation for interacting with the email system without having to retrieve the actual message. Hence, one skilled in the art at the time of the invention would have been motivated to learn

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from Sylvan to implement a means for replying to the sender of the selected message notification without retrieving the message itself.

(10) Response to Argument

I. GROUND OF REJECTION #1 (§ 102 REJECTION) AND GROUND OF REJECTION #2 (§ 103 REJECTION)

Identifying the status of an email message and that the email message is new involves a determination that the email message is new and previously unread which indicates that email message has a notification that has not been cleared. A notification involves relaying to the user the presence of new and unread email messages. Once this notification has occurred and the messages are not considered new or unread, the notification can be determined to be clear. The purpose of the notification has been met therefore it can be cleared and the system does not have to notify to the user, the new and unread status of the messages. Therefore, once it is determined that there are email messages that are new, then determining that the email messages are unread, it is clear that there is a step involved in this process where there is a determination that the notification status has not been cleared. Once the notification status has been cleared, the responsibility of notifying to the user that an email message is new and unread is alleviated and this email message then becomes an old and previously read message instead of having a new and unread message status. The email message when determined to be new can have various characteristics including having a status that is new and be a previously unread message. A notification status would indicate to a user, the presence and status of an email message. The alarm and display of new

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messages are all notification means, where each message that is new would be notified to the user as new and this would indicate that the notification status has not been cleared. Once the messages have been read, and are therefore not new, the notification status would be cleared and these messages would be placed in a respective area of the display indicating the messages that have had the notification status cleared and does not require further notification to the user of these messages. The determining of new messages and alarms and conveying this information to the user are all notification processes where once these new messages are accessed and read, they have a new status of messages or old messages as opposed to new or unread messages thereby showing a change in the notification status of a message. It is also important that the status of the notification and determining this status is important to indicate the differences between the new and old messages. Email messaging systems in general are responsible for relaying notification and status information concerning email messages.

Helfman discloses displaying a set of messages to the user, thereby teaching displaying a list of message notifications. Helfman upon determining the existence of new messages has provided display means for notifying to the user the arrival of these new messages through messages notifications. Figure 3A provides a list of messages with message notifications including indications of messages that are new and for which notification has not been cleared and which have not been previously read, this notifying to the user messages that have not been read, thereby teaching a listing of message notifications. The listing conveys to the user notifications of messages that have not

been previously read, for the purpose of conveying or notifying that there exists messages that have not been previously read in distinct mailboxes. The second column in section 40 of Figure 3A indicates a listing of messages that have been unread and new as indicated by the column title "unread/tot", the unread messages having the classification of messages that have not had a notification status cleared and this being a listing of message notifications. The purpose of this column is to relay to the user the existence of new and unread messages, thereby representing a list of message notifications.

The options referred to by Helfman are used for determining the placement of message notifications. A message notification is a means for conveying to a user through a display the status of a message. In Helfman, these messages notifications include conveying to the user the existence of new messages, unread messages and further messages triggered by an alarm. In one example, Helfman allows a user to determine variables such as strings in the subject field or sender field to determine how the message notifications are placed in an email system. A user by specifying fields would affect how the messages are notified and how the message notifications are conveyed to the user. A specification of a field would allow for the message notifications to be placed in an associated mailbox. Therefore, there are options given to the user and variable means through which message notifications are determined and placed in the display for the user to access.

A unified messaging system can be interpreted as a system that includes various messages all unified and displayed in a display screen to a user. The messages of this

system have a commonality where all these messages are determined to have a status and delivered to the message system to be displayed to the user. Furthermore, Helfman teaches various types of messages that can be filtered into various different mailboxes, all having a commonality in being displayed in the general email system but differences between the messages where the messages are unified in the system and classified based on further differences each may have from the other. As long as the messaging system unifies messages of different types, the messaging system of Helfman can be representative of a unified messaging system. The distinct mailboxes including various types of messages disclose that Helfman has a unified messaging system that manages a set of messages that are of different types.

Helfman also discloses a filtering means, where based on an option specified by the user, certain email messages are filtered into distinct associated mailboxes. The options that the user specifies allows for the user to select which types of messages are displayed in each of the mailboxes present in the email message system. Therefore, based on variables specified by the user, an email message is filtered into the appropriate mailbox. Furthermore, Appellant relies on features not claimed in the arguments presented, stating that Helfman may filter messages but does not specify filtering distinct types of messages such as voice, facsimile, electronic mail, video etc. that is clearly not included in claim 5.

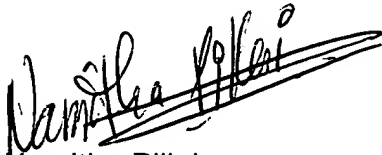
(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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For the above reasons, it is believed that the rejections should be sustained.

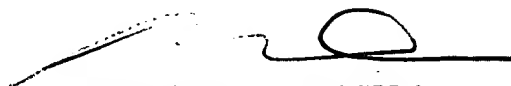
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